

BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH AT NEW DELHI****ORIGINAL APPLICATION NO. 363 OF 2022****IN THE MATTER OF:-**

Vikrant Tongad & Anr.

... Applicants

Versus

State of Uttar Pradesh & Ors.

... Respondents

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[N.D.O.H: 10.10.2022]

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THROUGH

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New Delhi

Dated:- 07.10.2022

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 363 OF 2022**

IN THE MATTER OF:

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VERSUS

State of Uttar Pradesh & Ors.

... RESPONDENTS

**STATUS REPORT AND BRIEF SUBMISSIONS ON
BEHALF OF THE APPLICANTS PURSUANT TO THE
ORDER, DATED: 24.05.2022, PASSED BY THIS HON'BLE
TRIBUNAL**

1. That the above-titled Original Application was filed by the Applicants, herein, raising substantial questions related to environment arising out of the vast-scale, reckless, excessive and indiscriminate concretization of roadsides and roadberms being carried out in Sectors 28, 37, 47 50, 55 and 62 of Noida and in Sectors Omega 1 and P3 of Greater Noida, in flagrant violation of the Orders of this Hon'ble Tribunal in O.A. No. 165/2013, *Akash Vashishtha Vs. Union of India & Ors.*, and the Government Order, dated: 23.03.2018, issued by the State of Uttar Pradesh in this regard and concurred by the Ministry of Environment, Forests and Climate Change in Execution Application No. 34/2017. The Application was preferred further on the grounds that the act of excessive and indiscriminate concretization of roadsides and roadberms was in arrant violation of the Judgment, dated: 10.11.2016, passed by this

Hon'ble Tribunal in O.A. No. 21/2014, *Vardhaman Kaushik Vs Union of India & Ors. and Order*, dated: 03.12.2020, in O.A. No. 283/2020, *R.S. Virk Vs. Central Pollution Control Board*. The aforesaid act was further in complete transgression of the Guidelines, dated: 21.07.2000, 03.09.2013 and 23.09.2013 of the Ministry of Urban Development, Government of India. The said act also violated the Government Order, dated: April 2001, issued by the State of Uttar Pradesh.

2. That this Hon'ble Tribunal, vide Order, dated: 24.05.2022, in the above-titled matter, directed, inter alia, as under:

“

...

4. *The averments made in the petition raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010 and illegality of proposed action of respondents no. 3 and 4.*

5. *Let notices be issued to the respondents requiring them to file replies specifically responding to all material averments made in the application within two months.*

6. *List the matter for further consideration on 26.08.2022.*

7. *The applicants are directed to take requisite steps for service of notices on the respondents and file their affidavit regarding the same by email at judicial-ngt@gov.in within seven days.*

8. *In the meanwhile, respondents no. 3 and 4 are directed not to carry out any further act of concretization of the road-sides and roadberms in Noida and Greater Noida in excess of the limits prescribed vide Government order dated 23.03.2018 issued by the State of Uttar Pradesh concurred by the Ministry of Environment, Forests and Climate Change in Execution Application No. 34/2017 and*

guidelines dated 21.07.2000, 03.09.2013 and 23.09.2013 issued by the Ministry of Urban Development, Government of India and order dated 06.07.2016 passed by this Tribunal in O.A No. 165/2013 titled as Akash Vashishtha Vs. Union of India and Ors.

9. A copy of the order along with the application be sent to Chief Executive Officers of respondents no. 3 and 4 by email for compliance.

...”

3. That in flagrant violation of the directions passed by this Hon’ble Tribunal, vide Order, dated: 24.05.2022, as reproduced hereinabove, the Respondent No. 3, Noida Authority, has been persistently carrying out excessive and indiscriminate concretization of road-sides and road-berms in Noida, in Sectors, including but not limited to 28, 29, 35, 56, 105, 8, 10, 11 and 12.

(Geo-tagged photographs showing the extent of concretization of road-sides and road-berms in Noida, clicked by the Applicants pursuant to the Order, dated: 24.05.2022, passed by this Hon’ble Tribunal, is annexed herewith and marked as **ANNEXURE S-1**)

4. That the Applicants have been regularly notifying the concerned officials, including the CEO, Noida Authority telephonically, on social media, by e-mail and through registered posts. Despite that, the work of all-out concretization of road-sides and road-berms is being carried out, in violation of the Order, dated: 24.05.2022, passed by this Hon’ble Tribunal.
5. That the Respondent No. 4, Greater Noida Industrial Development Authority (GNIDA), has also been carrying out indiscriminate concretization of road-sides and road-berms, in various sectors, surreptitiously.

6. That the Applicants have followed the websites of Respondent Nos. 3 & 4, but no official orders or any general public notice instructing the officials to follow and comply with the Order, dated, 24.05.2022, passed by this Hon'ble Tribunal, or the Government Order, dated: 23.03.2018, has been issued online or in newspapers, till date. Further, not a single concretisation tender has been cancelled or withheld, by Respondent Nos. 3 & 4. No orders to follow the Guidelines, dated: 21.07.2000, 03.09.2013 and 23.09.2013 of the Ministry of Urban Development, Government of India have been issued to the Engineers concerned or the contractors working on the ground to the best of the knowledge and surveillance of the Applicants.
7. That road-side and road-berm concretisation has taken such severe form in the twin cities of Noida and Greater Noida that hundreds of kilometres and wide green, vegetated roadsides have been replaced with concrete in most of the areas. The act of indiscriminate concretization of roadsides and roadberms continues to be an exponentially-increasing, irreversible ecological hazard and in transgression of the principles of Sustainable development and precautionary principle as provided under Section 20 of the National Green Tribunal Act, 2010 as also in utter disregard of the well settled principle of inter-generational equity.
8. That no attempts to minimise surface run-off of precious rainwater and 'Catch-the-Rain' have been made by the Respondents on the roadsides and this year, too, despite groundwater level alarmingly declining, more than 90 percent of precious rainwater falling on the roads has been once again lost to run-off into dirty choked drains. The annual phenomenon of urban flooding even with the lightest showers have plagued Noida and Greater Noida, this year as well.

9. That green and vegetated roadsides are being sacrificed at the altar of illegal parking in Noida and Greater Noida. One of the major reasons for promoting roadside concretisation is to create unauthorised parallel parking lots. To conceal their failure and escape their liability for not ensuring institutional/residential/commercial parking within respective premises, as is stipulated in the master plans, Noida Authority and Greater Noida Authority GNIDA have chosen the easy way out of concretizing the road-sides and road-berms. Not only is sacrificing the naturally soft, green, vegetated roadsides to these illegal parallel parking lots a grave ecological hazard but it also makes the streets more unsafe, hazardous, and hostile for the pedestrians. This adds onto an unpleasant and unhealthy living environment.
10. That inevitable breakage of the concretized roadsides and roadberms creates more dust. Since entire roadsides are first concretised by unskilled labourers and uninformed contractors not leaving even a strip of soft, green, vegetated area for infrastructural work, within a few weeks to months, an inevitable process of undoing and breakage of concrete ensues leading to greater dust pollution
11. That in their attempt to scrupulously concretise every inch of soft, green, vegetated roadsides and road-berms, the Noida authority and Greater Noida Authority, are mostly supported by the concerned RWAs which have been aiding and abetting concretisation within and around their premises. All attempts at appealing, explaining or convincing Noida authority officials and the RWAs such as Arun Vihar RWA have been ignored, neglected, or superseded. In fact, RWAs like Arun Vihar sent out notices against residents who have been maintaining green roadsides at their own expense for more than three decades without any civil encroachments of roadsides, for not being party to the act of excessive concretisation.

12. That it has been the consistent and settled position, vide various consecutive Orders of this Hon'ble Tribunal that the open land, including the road berms cannot be concretised and are required to be, necessarily kept green and vegetated. However, the Noida Authority and Greater Noida Authority continue to remain audaciously defiant of the Orders and directions of this Hon'ble Tribunal.
13. That in gross contravention of the Order dated: 24.05.2022 in the above-titled Original Application, the District Environment Committee, Gautam Budh Nagar, headed by the District Magistrate, in its meeting, dated: 02.09.2022, directed for end-to-end paving/tiling of roadsides and roadberms in Noida.
14. That the Applicant No. 1, who is also a member of the District Environment Committee, Gautam Budh Nagar, could not participate in the said meeting on account of not being available. However, immediately on acquiring notice thereof, the Applicants sent a Representation, dated: 19.09.2022, to the District Magistrate, requesting him that the roadsides/roadberms be deconcretized in Noida and Greater Noida, and recreate real DUST FREE ZONES with topsoil, native grasses and shrubs which absorb and filter dust and catch rainwater where it falls.

(A True Copy of the Representation, dated: 19.09.2022, sent by the Applicants to the District Magistrate, Gautam Budh Nagar, is annexed herewith and marked as **ANNEXURE S-2**)

15. That the Respondents, are concretizing every scrap of soft, green and vegetated roadsides and roadberms in Noida and Greater Noida in the name of creating dust-free zones. It is submitted that dust-free zones could rather be best created only by planting grasses, herbs and shrubs, which holds the

soil firm and together, thereby not allowing any kind of erosion. On the contrary, a paved or concretized surface would not be able to absorb pollution/pollutants and would rather facilitate the scattering of soil/dust particles over its surface as well as in all lateral directions.

16. That the Applicants crave leave of this Hon'ble Tribunal to place suggestions to deal with the issue of rampant surface concretization, as under:

- (i) NOIDA authority and GNIDA be asked to de-concretise roadsides and duly restore and maintain the planting strips with self-sustaining native, hardy, drought resistant grasses and shrubs requiring minimal use of mowing or herbicides.
- (i) Such "Green Streets" projects may be started with a few pilot areas like Kachnar Marg, Chameli Marg, Maharishi Dayanand Marg in sectors 28,29,37, Arun Vihar.
- (ii) It is our suggestion that the C & D debris resulting out of deconcretisation can be used as recycled aggregate concrete [RAC] in future road building as per laid down guideline of Indian Roads Congress. As per CRRI, it is better to design thinner pavements , with minimal use of natural aggregates.
- (iii) Excessive roadside concretisation be removed all around the twin cities, thereby, leading to habitat restoration, carbon sequestration and resilient permeable roadsides Thus, our roads and streets would help us in our fight against pollution, global warming and climate change.
- (iv) Noida authority must recognise or applaud efforts towards environment preservation and maintenance of "Green Streets" by residents, as is followed in globally forward and smart cities, instead of penalising them.

17. That in light of the facts and circumstances stated hereinabove, this Hon'ble Tribunal may be graciously, pleased to:

- A. Penalise the Respondents concerned for violating the Order, dated: 24.05.2022 in the above-titled Original Application.
- B. Impose environmental compensation on the Respondents concerned for causing irreversible ecological hazard by continuing to concertize roadberms and roadsides excessively and indiscriminately.
- C. Pass any other or further Order(s) or Direction(s) as this Hon'ble Tribunal may deem fit in the facts and circumstances of the instant case.

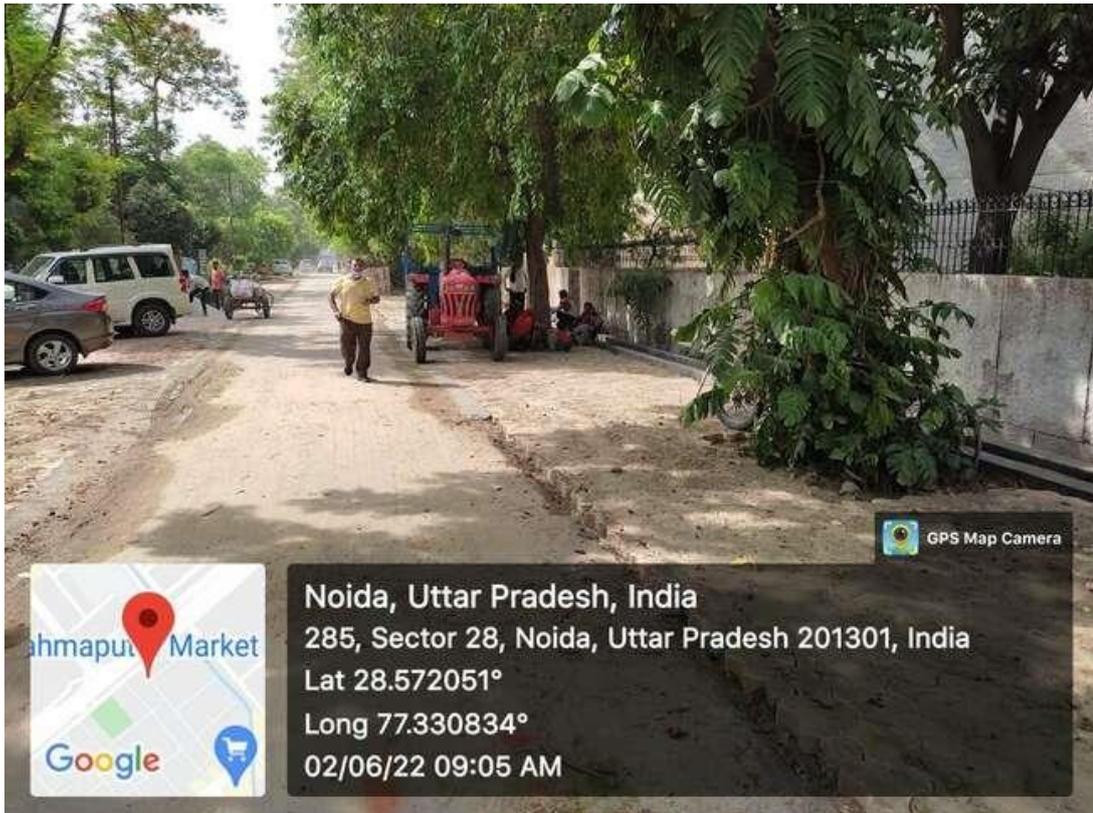
Filed by:

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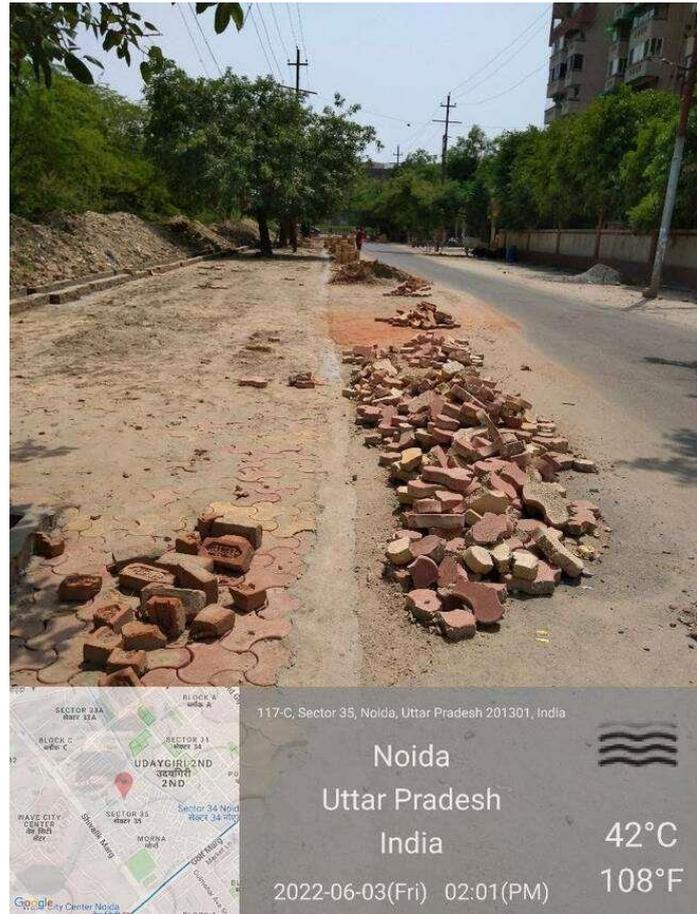
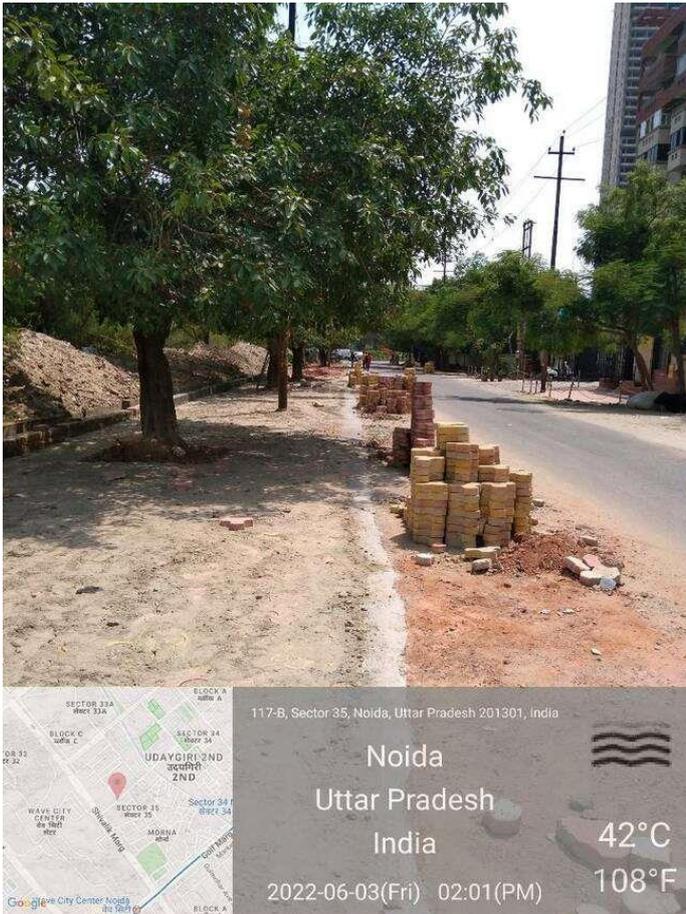
New Delhi

Dated:- 07.10.2022

ANNEXURE S-1



Internal roads, AVRWA. POST ORDER VIOLATION IN WARD 2A Sec 28, ARUN VIHAR. Despite NGT notice being e-mailed on 27/05/22 and delivered by hand on 01/06/22



SEC 35, NOIDA: VIOLATION POST NGT ORDER

CEO NOIDA and officials were duly notified and informed



SEC 105, NOIDA: POST NGT ORDER VIOLATION



ONGOING WORK IN SEC 56, NOIDA AFTER NGT ORDER



चरण अवाना
@csawana



Replying to @vikranttongad @CeoNoida and 2 others

D-4 se D-8 sector -8 #Noida

interlocking tiles k liye platforms ready
ho raha hai

#NGT #greennoidacleannoida

@CeoNoida



7:13 PM · 24/06/22 · Twitter for iPhone

**ROADSIDE CONCRETISATION WORK GOES ON IN SEC 8, NOIDA,
POST ORDER**



**J-3, Vyapar Marg, J Block, Sector 11, Noida, Uttar Pradesh
201301, India**

**Latitude
28.59505136°**

**Longitude
77.33428519°**

**Local 12:17:47 PM
GMT 06:47:47 AM**

**Altitude 168.26 meters
Monday, 07-18-2022**

ONGOING WORK SEC 11, NOIDA



SECTOR 12
संखर 12

8-28, Sector 1, D Block, Sector 10, Noida, Uttar Pradesh 201301, India

Noida
Uttar Pradesh
India

35°C
95°F

2022-08-10(Wed) 01:14(PM)

A small map showing the location in Noida, Sector 12, D Block. The map includes labels for various blocks and sectors, and a red pin indicating the specific location.

SECTOR 12
संखर 12

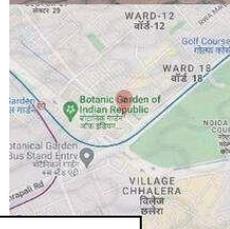
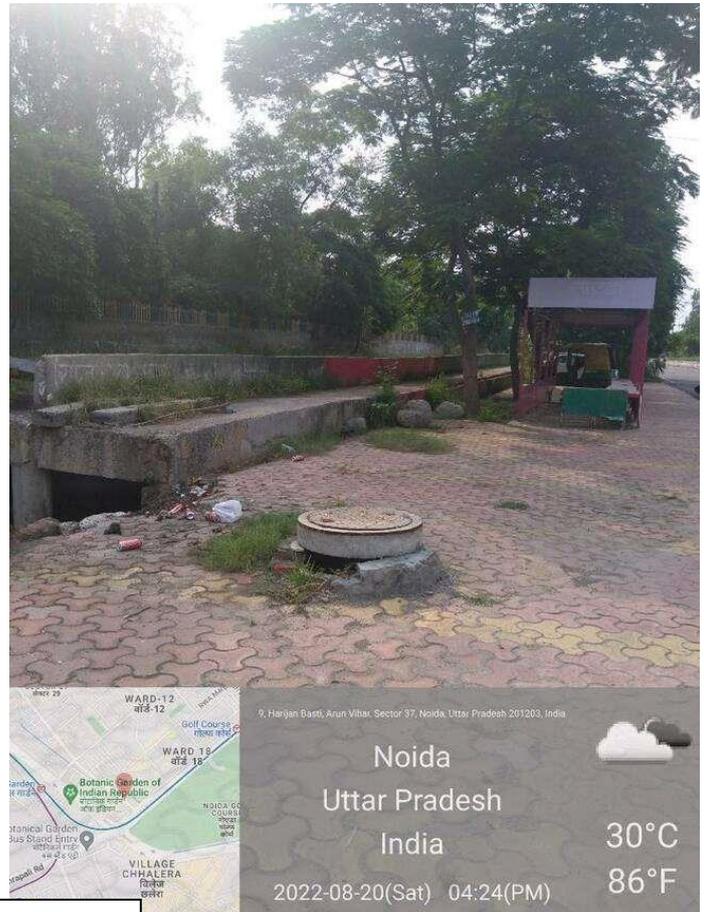
28, Noida Rd, D Block, Sector 10, Noida, Uttar Pradesh 201301, India

Noida
Uttar Pradesh
India

35°C
95°F

2022-08-10(Wed) 01:14(PM)

A small map showing the location in Noida, Sector 12, D Block. The map includes labels for various blocks and sectors, and a red pin indicating the specific location.



9, Harijan Basti, Anur Vihar, Sector 37, Noida, Uttar Pradesh 201203, India

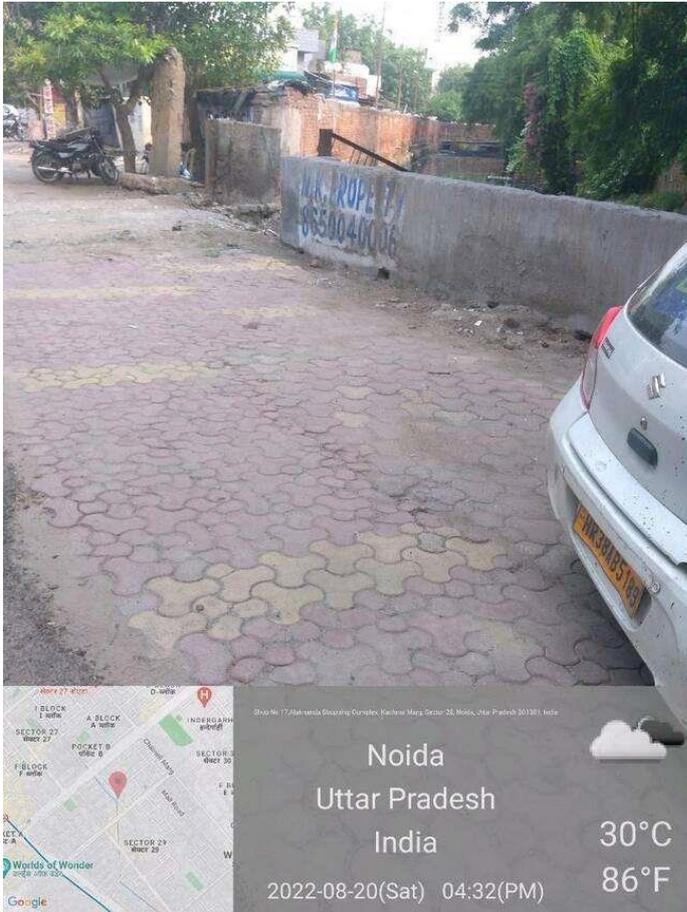
Noida
Uttar Pradesh
India

2022-08-20(Sat) 04:24(PM)

30°C
86°F

Recent Ongoing work in sec 10

Extent of concretisation in Noida has become so magnified that entire soft planting green roadsides RIGHT ADJACENT to MAIN STORM WATER DRAIN OF NOIDA also concretised.

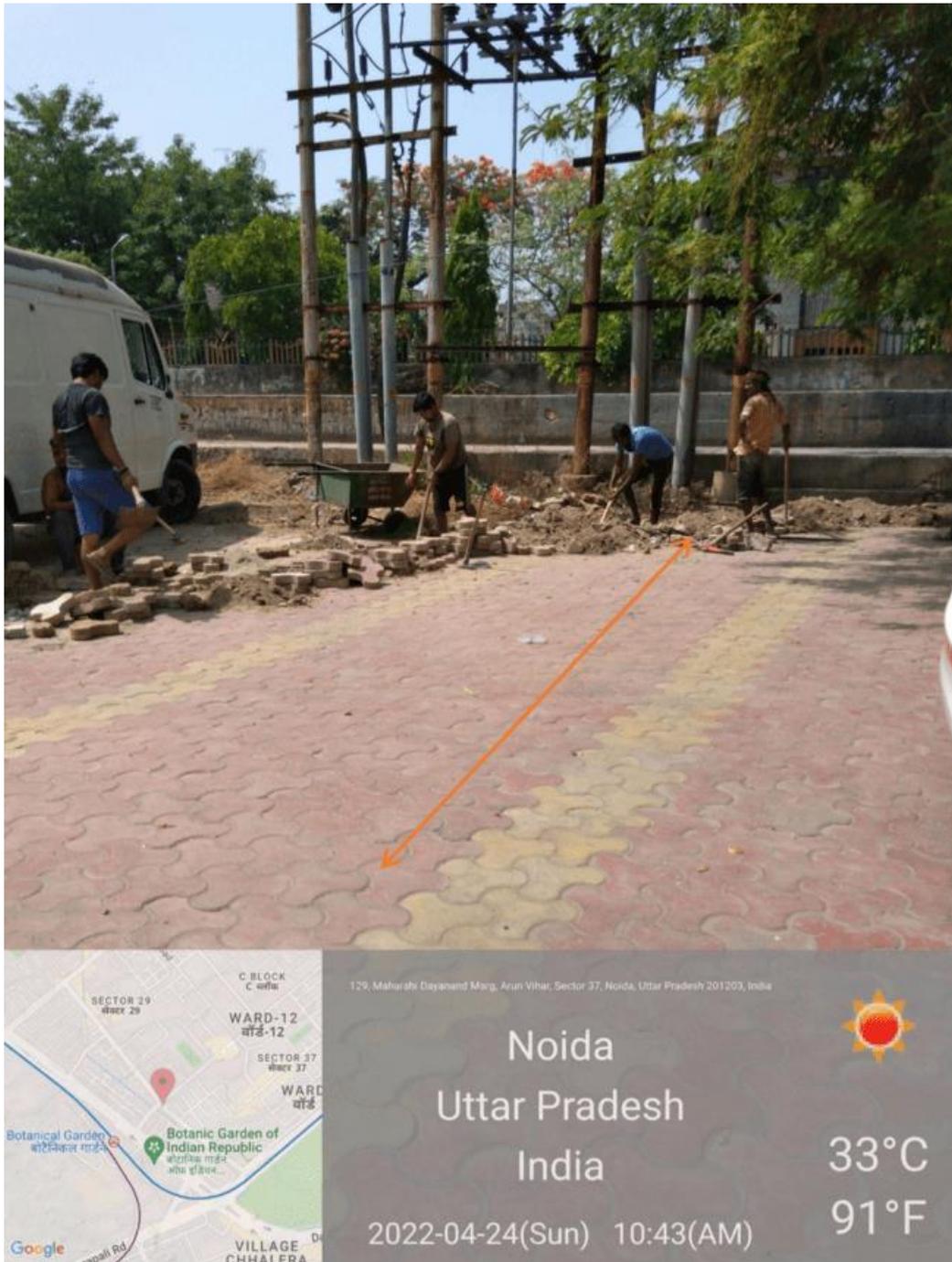


VIOLATION OF WATER ACT: Excessive Concretisation right next to *NOIDA NALLAH*

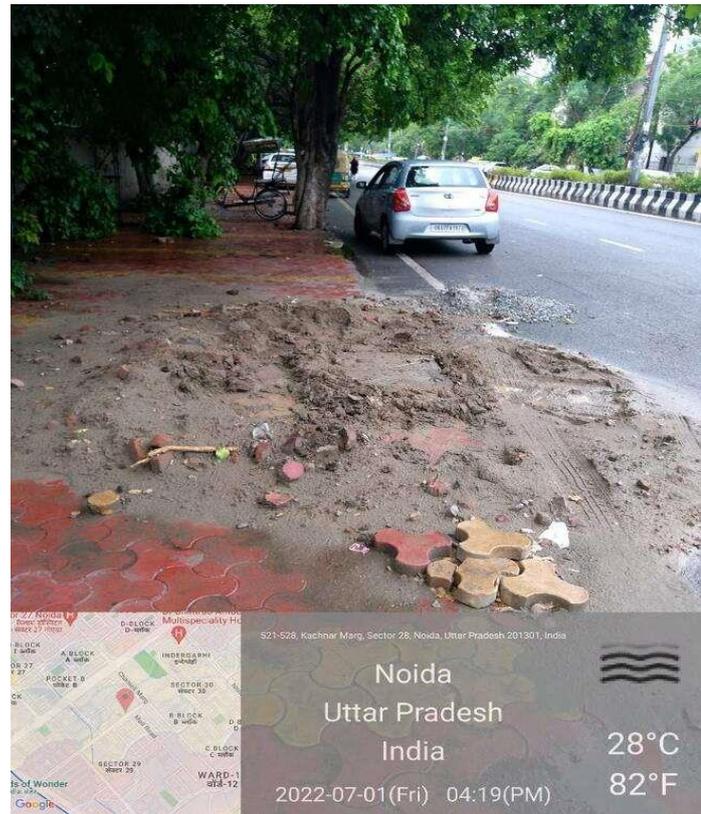


NOIDA authority is creating such wide concrete parallel paved roadsides which promotes illegal commercial activities like parking of taxis and vending

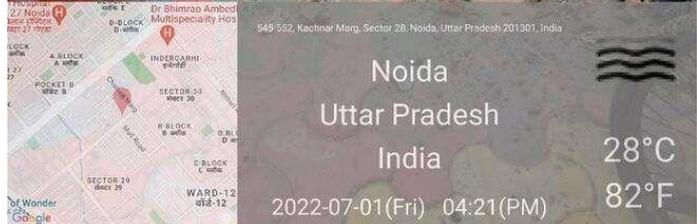
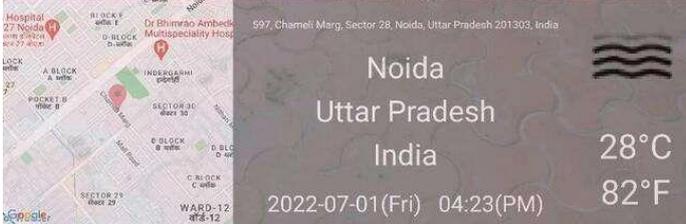




They do not leave any strip of soft *kachcha* green area for even infrastructural work.



UNDOING RECENT WORK: INEVITABLE BREAKAGE ADDS TO SAND, SILT AND CEMENT DUST POLLUTION



MORE THAN 90 PERCENT RAINWATER RUN-OFF from these concretised roadsides further adds to ground water pollution and deficit.



UPROOTING of (only 3-4 decades in age) big leafy trees owing to concretisation: a common sight in Noida.



Another consequence of reckless roadside concretisation:

Tree cruelty is rampant all over Noida.



Insensitivity towards environment and trees is commonplace on every road and street.

There is no sign of abating, every inch is being scrupulously concretised.



RCC laid on roadsides including tree bases in Noida.



Only a few privileged areas spared so far:

MLA NOIDA residence area – C block, SEC 26, Noida



Sec 26, Noida, near MLA RESIDENCE: preserved green roadsides.



SWAMI VIVEKANAND MARG, NOIDA

**SEC 26 BLOCK C [MODEL ROADSIDE PAVING WITH PRESERVED GREEN
ROADSIDE BY RESIDENTS]**



SWAMI VIVEKANAND MARG, JALVAYU VIHAR: **opp. MLA residence, Noida**

Last few roads left in Noida: within prescribed limits ROADSIDE PAVING and GREEN ROADSIDE

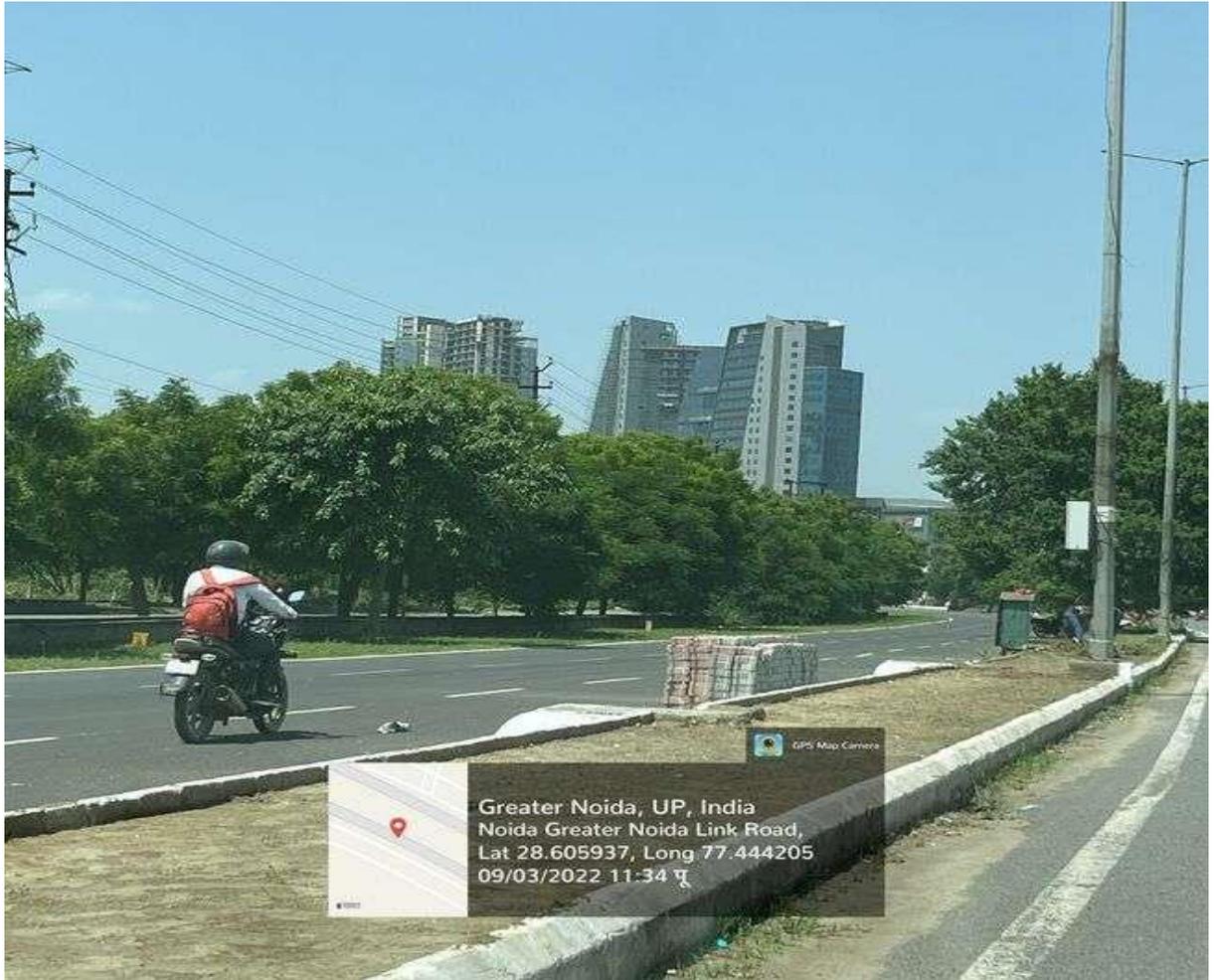


DM NOIDA RESIDENCE

ROADSIDE PAVING WITH GREEN ROADSIDE



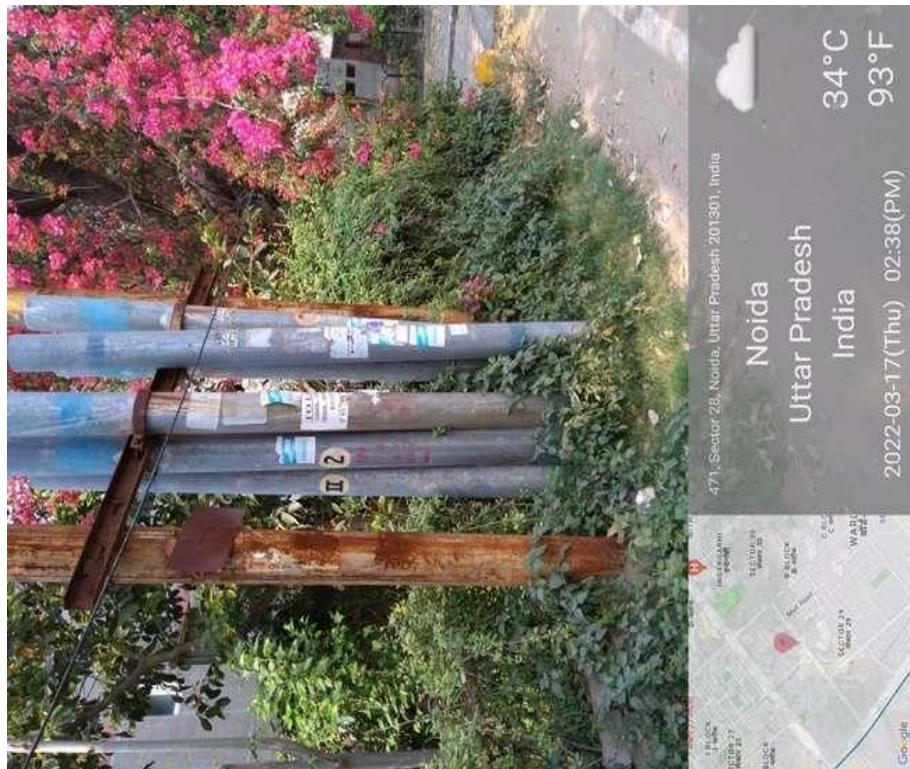
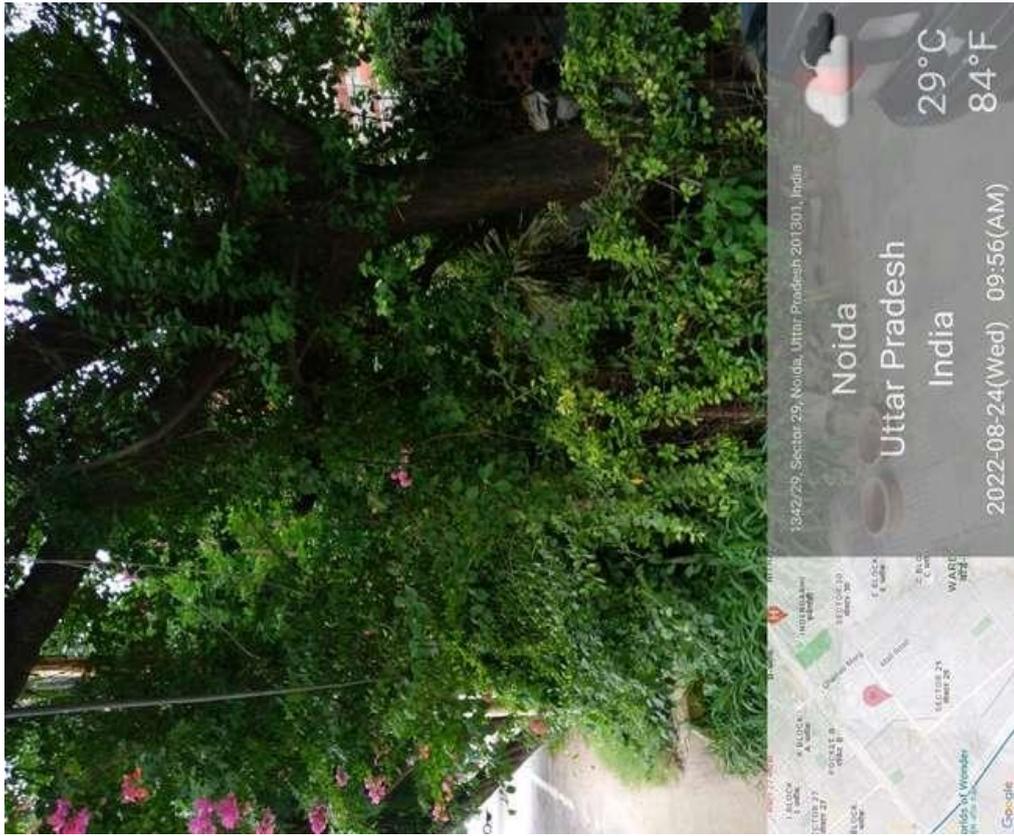
Paving/concretizing of medians, even with no pedestrian traffic, on Noida-Greater Noida Link Road. Destruction of top soil native grasses and shrubs.



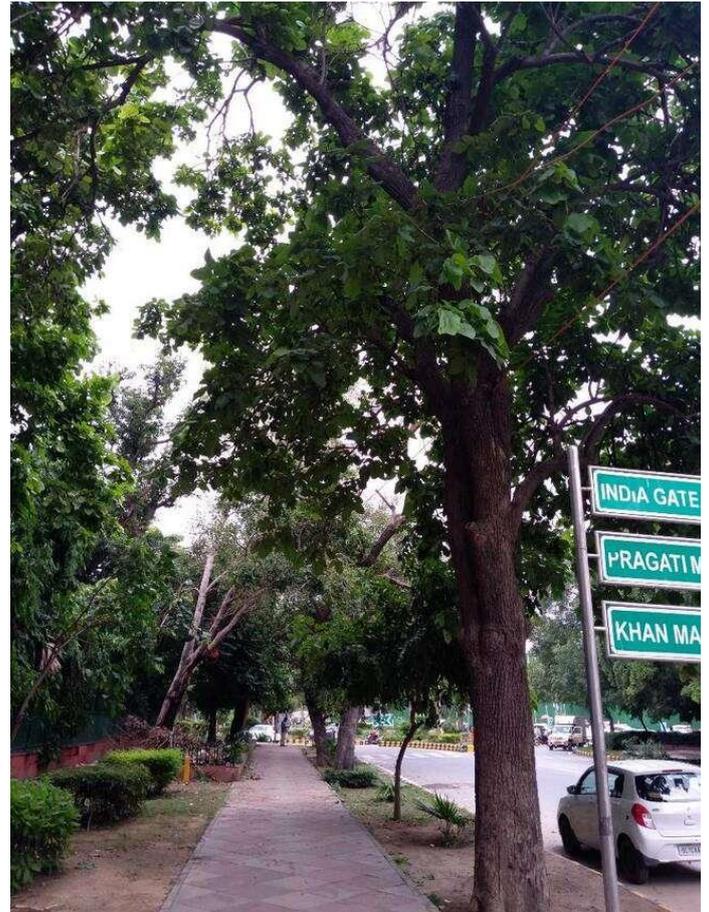
Median after removal of grasses and shrubs before class concrete paver block tiling.



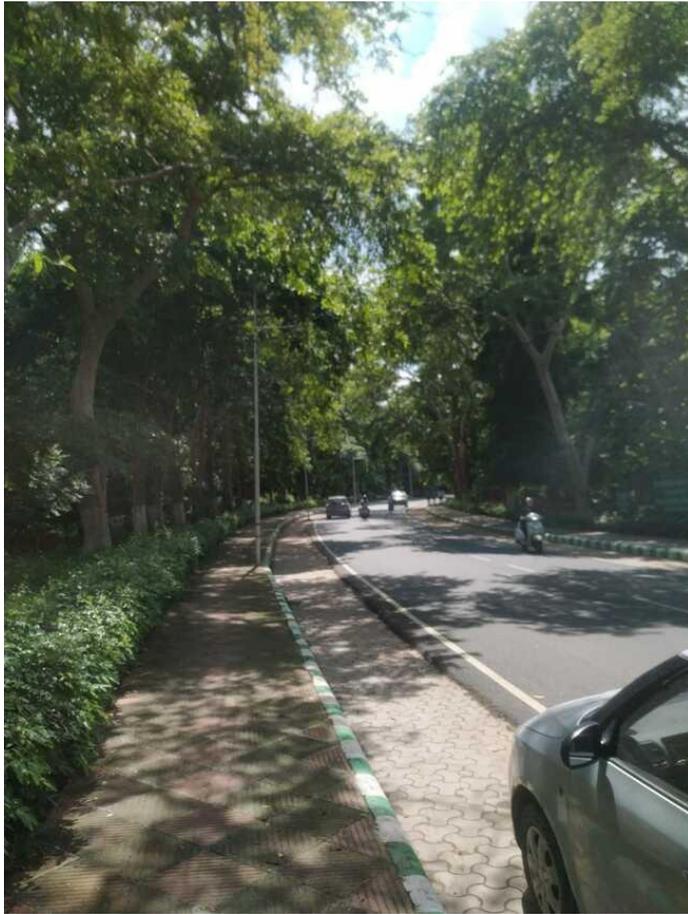




Till just a few metres from petitioner's residence, entire kachchi patri/soft green roadsides have been concretised.

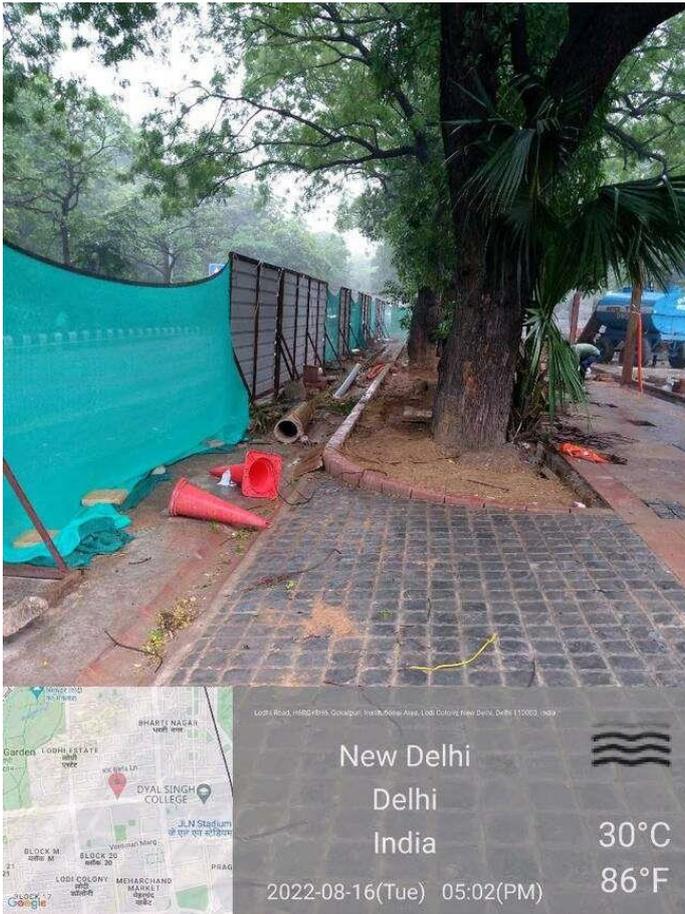


NDMC area: Major portion of the roadsides kept soft and planted, with just a small footpath despite that these roads have significant pedestrian traffic.



IARI PUSA: Only 0.5 m roadside parallel paving, a dedicated raised kerb pedestrian footpath and the rest roadside is Green.

Planned green roadsides are not only ideal but **the need of the hour.**



Lodhi Road, New Delhi: Ongoing NDMC streetscaping project

Green roadsides with use of natural materials.

ANNEXURE S-2

19/9/2022

The District Magistrate,**Gautam Buddha Nagar**

SUB: Ref. letter no.1458/29-1, dated 9/9/22, Environmental Committee Report on End-to-end paving of Concrete Interlocking Tiles in **Violation of NGT and State Govt Orders**

Sir,

This is to bring to your kind notice that in point number 8 in ref. letter no.1458/29-1, dated 9/9/22, Environmental Committee Report, Gautam Buddha Nagar district (Annexure 1), end-to-end concrete paving of Noida roadsides has been referred to as “Dust free zones”.

Please note that such indiscriminate concretisation of green roadsides does not prevent dust in any way rather it creates cement dust due to frequent digging and breakage of paving blocks. This paving does not absorb road dust in any form. Rather it is deleterious to the environment by causing loss of species habitat and biodiversity. It also worsens our quality of life by creating more and more urban heat islands. This End to end roadside paving has promoted illegal unauthorised parking and illegal vending activity everywhere creating social and security hazards to residential premises nearby. In the past decade NA has been steadily carrying on concretisation of the green roadsides in various sectors of Noida. In the past one year the extent and speed of this concretization of hundreds of kilometres of green road berms has achieved alarming proportions. As per the above-mentioned letter, it has been planned to concretise further. Kindly note that this is in violation of orders of the following judicial and administrative authorities

- 1 **NGT vide Original Application No. 363/2022** Vikrant Tongad & Anr. Vs State of Uttar Pradesh & others
- 2 **NGT vide Original Application No. 165 of 2013** (M.A. No. 588 of 2016) July 06, 2016
- 3 **Execution Application No. 34 of 2017** In Original Application No. 165 of 2013 Akash Vashishtha Vs. Union of India & Ors.
- 4 Order of **Radhey Krishan Jt sec UP Govt** ,23 march 2018
- 5 **M/o H&UA order** dated sept 3, 2013 by Dr Sudhir Krishna

Topsoil preservation of these roadsides is one of the most important tools for making of “green streets” and “green highways” for climate change mitigation. We hereby request you that these road berms/roadsides in Noida and Greater Noida should be de-concretised and also to recreate the REAL DUST-FREE ZONES with topsoil, native grasses and shrubs which absorb and filter dust and catch rainwater where it falls.

Your Sincerely,

Vikrant Tongad

Dr Supriya Sardana